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North Carolina Sterilization Statute

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August 1963

superintendent of such institution. If the person upon whom the operation is to be performed, is an inmate, or patient of a charitable or penal institution supported by the county, the executive head of such institution or his duly authorized agent, or the county director of welfare or such other official performing in whole or in part the functions of such director of the county in which such county institution is situated, shall act as petitioner in instituting proceedings before the Eugenics Board. If the person to be operated upon is not an inmate of any such public institution, then the director of welfare or such other official performing in whole or in part the functions of such director of the county of which said inmate, patient, or non-institutional individual to be sterilized is a resident, shall be the prosecutor. It shall be the duty of such prosecutor promptly to institute proceedings as provided by this article in any of the following circumstances:

1. When in his opinion it is for the best interest of the mental, moral or physical improvement of the patient, inmate, or non-institutional individual, that he or she be operated upon.
2. When in his opinion it is for the public good that such patient, inmate or non-institutional individual be operated upon.
3. When in his opinion such patient, inmate or non-institutional individual would be likely, unless operated upon to procreate a child or children who would have a tendency to serious physical, mental or nervous disease or deficiency.
4. When requested to do so in writing by the next of kin or legal guardian of such patient, inmate or non-institutional individual.
5. In all cases as provided for in 35-55. (1933, c.224,s.4; 1935, c.463,s.1; 1937, c.243; 1961, c.186.)

35-40. Eugenics Board created; membership, etc. There is hereby created the Eugenics Board of North Carolina. All proceedings under this article shall be begun before the said Eugenics Board. This Board shall consist of five members and shall be composed of: (1) the Commissioner of Public Welfare of North Carolina, (2) the State Health Director, (3) the chief medical officer of an institution for the feeble-minded or insane of the State of North Carolina, (4) the chief medical officer of the State Department of Mental Health, (5) the Attorney General of the State of North Carolina. Any one of these officials may for the purpose of a single hearing delegate his power to act as a member of said Board to an assistant; provided said delegation is made in writing, to be included as a part of the permanent record in said case. The said Board shall from time to time elect a chairman from its own membership and adopt and from time to time modify rules governing the conduct of proceedings before it, and from time to time select the member of the said Board designated above as the chief medical officer of an institution for the feeble-minded or insane of the